

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID E. FIELDS,

Defendant.

Case No. 08-cr-30058-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant David E. Fields's unsigned "Motion Under 28 U.S.C. § 2255 & 18 U.S.C. § 3583 Challenging Revocation/Reimposition of Release" (Doc. 120). He has since submitted a signed copy of the motion (Doc. 124, pp. 3-14, 17-18).

In an order dated August 27, 2025, the Court noted that, while it believed Fields intends to invoke § 2255 to vacate his revocation sentence, the Court was hesitant to characterize the motion as a § 2255 motion without a clear indication that Fields intended to invoke that statute. "[T]he court cannot so recharacterize a pro se litigant's motion as the litigant's first § 2255 motion unless the court informs the litigant of its intent to recharacterize, warns the litigant that the recharacterization will subject subsequent § 2255 motions to the law's 'second or successive' restrictions, and provides the litigant with an opportunity to withdraw, or to amend, the filing." *Castro v. United States*, 540 U.S. 375, 377 (2003). The Court warned Fields that if he did not file a motion to withdraw his pending motion on or before September 26, 2025, the Court would construe it as a § 2255 motion and Fields would then be subject to the second or successive filing restrictions contained in 28 U.S.C. § 2255(h).

That mail was returned to the Court as undeliverable (Doc. 122). To give Fields a fair chance to withdraw his motion, the Court **ORDERS** that the deadline for him to withdraw his

motion is extended to November 7, 2025.

IT IS SO ORDERED.

DATED: October 6, 2025

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**